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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,945	12/07/2000	John C. Waldrop III	99-113A	9765

7590

11/05/2003

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 11/05/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

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**CK018**

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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**Commissioner for Patents**

The appeal brief filed on September 2, 2003 (Paper No. 17) is defective because the Claim Appendix (Part IX) is improper. According to 37 C.F.R. 1.192(c)(9), the appendix should include the "claims involved in the appeal." Claim 9, however, was canceled in the amendment filed December 4, 2002 (Paper No. 12). Under 37 C.F.R. 1.192(d) a proper appeal brief should satisfy all the requirements of 37 C.F.R. 1.192(c).

To avoid dismissal of the appeal, appellant must ratify the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (703) 305-0396. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM and alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni, can be reached at (703) 305-5493. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Stefan Staicovici, PhD

Primary Examiner

11/4/03

AU 1732

November 4, 2003